

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ZISA & HITSCHERICH

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Attorneys for Defendant, City of Hackensack

ASSOCIATION OF NEW JERSEY RIFLE
AND PISTOL CLUBS, INC., a New Jersey
Not for Profit Corporation;
SCOTT L. BACH; KAARE A. JOHNSON;
VINCENT FURIO, STEVEN YAGIELLO,
and BOB'S LITTLE SPORT SHOP, INC.,
a New Jersey Corporation

CIVIL ACTION No.: 3:10-cv-271

CERIFICATION OF COUNSEL

Plaintiffs,

vs.

CHRISTOPHER J. CHRISTIE, Governor
of the State of New Jersey; PAULA T.
DOW, Attorney General of the State of
New Jersey; COLONEL RICK FUENTES,
Superintendent, Division of New Jersey
State Police; WASHINGTON TOWNSHIP
(Morris County); CITY OF HACKENSACK;
LITTLE EGG HARBOR TOWNSHIP and
XYZ MUNICIPALITIES 1-535,

Defendants.

I, CRAIG M. POGOSKY, ESQ., hereby certify as follows:

1. I am an attorney at the law firm of ZISA & HITSCHERICH, ESQS, for the Defendant, City of Hackensack, and as such, am fully familiar with the facts contained herein.
2. Defendant filed its brief and certification in opposition to plaintiffs' motion for summary judgment and in further support of its motion to dismiss the second amended

complaint on or about April 12, 2011. (DDE# 81). The certification described applications for handgun purchase permits of one of the plaintiffs and annexed copies of the same. The brief described the same and referenced dates of applications and the results thereof. Pursuant to Fed. R. Civ. P. 5.2, plaintiff's Social Security number and date of birth was redacted from the applications. Notwithstanding, N.J.A.C. 13:54-1.15 provides in pertinent part as follows:

Confidentiality of background investigations, permits, firearms identification cards, licenses, certifications, certificates, forms of register, registration statements and applications

...Any application for a permit, firearms identification card, or license, and any document reflecting the issuance or denial of such permit, firearms identification card, or license, and any permit, firearms identification card, license, certification, certificate, form of register, or registration statement, maintained by any State or municipal governmental agency, is not a public record and shall not be disclosed to any person not authorized by law or this chapter to have access to such documentation, including the applicant, except on the request of persons acting in their governmental capacities for purposes of the administration of justice.

The information contained therein is relevant to this defendant's compliance with the law and the several points raised in the brief and should be considered by the court. Accordingly, the undersigned makes this application for a determination by the court as to the propriety of maintaining the documents under seal.

I certify that the foregoing information is true and if willfully false, I am subject to punishment.

/s/ Craig M. Pogosky
Craig M. Pogosky (5849)

Dated: April 15, 2011